



## PATENT APPLICATION

In the United States Patent and Trademark Office

Applicant: Dee et al.  
Docket No.: 10004.512  
Date: January 30, 2006  
Application No.: 10/786,209  
Filed: February 25, 2004  
Art Unit: 1615  
Examiner: N. Levy  
For: FATTY ACID ANTIMICROBIAL

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On Jan 30, 2006

Signature Jeffrey W. Smith

Jeffrey W. Smith, Reg. No. 33455  
Name of Applicant, assignee or  
Registered Representative

### **INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§1.56 and 1.97(c), Applicants wish to call the attention of the Examiner to the following documents:

<u>United States Patents</u>		
<u>U.S. Patent No.</u>	<u>Patentee</u>	<u>Issue Date</u>
4,404,040	Wang	09-13-1983
4,406,884	Fawzi et al.	09-27-1983
4,485,029	Kato et al.	11-27-1984
5,208,257	Kabara	05-04-1993
5,436,008	Richter et al.	07-25-1995
5,460,833	Andrews et al.	10-24-1995

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<u>Foreign Patent Documents</u>		
<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
CA 553,057	02-11-1958	Ferlin et al.
DE 2912438	10-16-1980	Eckert et al.

Other Documents

DUNHAM ET AL., Inactivation of Influenza Virus by Mild Antiseptics, pgs. 123-128 (1943).

BARR ET AL., A Study of the Inhibitory Concentrations of Glycerin-Sorbitol and Propylene Glycol-Sorbitol Combinations on the Growth of Microorganisms, Journal of the American Pharmaceutical Association, Vol. 46, No. 4, pp.217-218 (1956).

OLITZKY, Antimicrobial Properties of a Propylene Glycol Based Topical Therapeutic Agent, Vol. 54, No. 5, pgs. 787-788 (1965).

KABARA ET AL., Fatty Acids and Derivatives as Antimicrobial Agents, Antimicrobial Agents and Chemotherapy, Vol. 2, No. 1, pgs. 23-28 (1972).

FREESE ET AL., Function of Lipophilic Acids as Antimicrobial Food Additives, Nature, Vol. 241, pgs. 321-325 (1973).

FAY ET AL., Inhibitory Action of a Non-Metabolizable Fatty Acid on the Growth of *Escherichia coli*: Role of Metabolism and Outer Membrane Integrity, Journal of Bacteriology, Vol. 132, pgs. 790-795 (1977).

KABARA ET AL., Antimicrobial Lipids: Natural and Synthetic Fatty Acids and Monoglycerides, Lipids, Vol. 12, No. 9, pgs. 753-759 (1977).

HECZKO ET AL., Susceptibility of *Staphylococcus aureus* and Group A, B, C, and G Streptococci to Free Fatty Acids, Journal of Clinical Microbiology, Vol. 9, No. 3., pgs. 333-335 (1979).

KABARA, Toxicological, Bacteriocidal and Fungicidal Properties of Fatty Acids and Some Derivatives, J. Am. Oil Chemists' Soc., Vol. 56, pgs. 760A-767A (1979).

THOMAS ET AL., Antibacterial Properties of Dilute Formocresol and Eugenol and Propylene Glycol, Oral Surgery, Vol. 49, No. 2, pgs. 166-170 (1980).

CORNER, Synergism in the Inhibition of *Bacillus subtilis* by Combinations of Lipophilic Weak Acids and Fatty Alcohols, Antimicrobial Agents and Chemotherapy, Vol. 19, No. 6, pgs. 1082-1085 (1981).

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PANKEY ET AL., Uptake on Postmilking Teat Antisepsis, J. Dairy Sci., Vol. 67, No. 6, pgs. 1336-1353 (1984).

BOLTON ET AL., Repair and Antibacterial Effects of Topical Antiseptic Agents in vivo, Models in Dermatology, Vol. 2, pgs. 145-158 (1985).


VIEGAS ET AL., Inhibition of Yeast Growth by Octanoic and Decanoic Acids Produced during Ethanolic Fermentation, Applied and Environmental Microbiology, Vol. 55, No. 1, pgs. 21-27 (1989).

3M Lauricare Moisturizing Teat Dip Concentrate, Test Data & Results, 2 pgs.

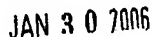
Copies of these documents are submitted herewith along with Form PTO/SB 08a and PTO/SB 08b.

Applicants respectfully request that this disclosure be expressly considered during the prosecution of this application and made of record herein and appear among the "documents cited" on any patent to issue herefrom. This disclosure is being made pursuant to 37 C.F.R. §1.97(c), and is accompanied by the fee set forth in §1.17(p).

Respectfully submitted,



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Approved for use through 07/31/2006. OMB 0651-0031

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**Complete if Known**

Application Number	10/786,209
Filing Date	February 25, 2004
First Named Inventor	Alejandro O. Dee
Art Unit	1615
Examiner Name	N. Levy
Attorney Docket Number	10004.512

Sheet	1	of	3
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## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		CA 553,057	02-11-1958	Ferlin et al.		
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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/786,209
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		First Named Inventor	Alejandro O. Dee
		Art Unit	1615
		Examiner Name	N. Levy
Sheet 2 of 3	Attorney Docket Number		10004.512

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		DUNHAM ET AL., Inactivation of Influenza Virus by Mild Antiseptics, pgs. 123-128 (1943).	
		BARR ET AL., A Study of Inhibitory Concentrations of Glycerin-Sorbitol and Propylene Glycol-Sorbitol..., J. of Am. Pharm. Assoc., Vol. 46, No. 4, pp. 217-218 (1956).	
		OLITZKY, Antimicrobial Properties of a Propylene Glycol Based Topical Therapeutic Agent, Vol. 54, No. 5, pgs. 787-788 (1965).	
		KABARA ET AL., Fatty Acids and Derivatives as Antimicrobial Agents, Antimicrobial Agents and Chemotherapy, Vol. 2, No. 1, pgs. 23-28 (1972).	
		FREESE ET AL., Function of Lipophilic Acids as Antimicrobial Food Additives, Nature, Vol. 241, pgs. 321-325 (1973).	
		FAY ET AL., Inhibitory Action of a Non-Metabolizable Fatty Acid on the Growth of Escherichia coli: Role of Metabolism..., J. of Bacteriology, Vol. 132, pgs. 790-795 (1977).	
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		CORNER, Synergism in the Inhibition of Bacillus subtilis by Combinations of Lipophilic Weak Acids..., Anti. Agnts. and Chemo., Vol. 19, No. 6, pgs. 1082-1085 (1981).	
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